* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ **Crl. M.C. No. 5489-91/2006**

% Date of Decision: 6th December, 2007

\# **Raju Goel & Ors.** .....Petitioners

! Through Mr. Suman Kapoor, Advocate,

Versus

$ **State & Anr.** .....Respondents

^ Through Mr. O.P. Saxena, APP for the State.

CORAM:

* **HON'BLE MR. JUSTICE P.K.BHASIN**

1. Whether Reporters of local papers may be allowed to see the Judgment?(No)
2. To be referred to the Reporter or not?(No)
3. Whether the judgment should be reported in the digest?(No)

JUDGMENT

P.K.BHASIN, J:

This petition is filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR no. 756/2000 registered at Police Station Mehrauli for the offences under Sections 452/427/323/34 of Indian Penal Code ('I.P.C.' in short) as also the case arising therefrom titled as "State v. Raju Goel and Ors." pending in the court of Metropolitan Magistrate, Delhi.

2. Brief facts leading to the controversy are that on 15.12.2000 at about 7.30 p.m., an unknown person came to the shop of the respondent no. 2-complainant and enquired from him if Mehta Chowk Ward No. 8 shop was his shop and on being asked as to who told him that that person pointed towards the neighbourhood shop namely 'Laxmi Garment Shop' and said that that shopkeeper had told him so and when he(respondent no. 2) told that shopkeeper that it was not a right thing to do the shopkeeper told him that he would do so and then his son, petitioner no. 3, son of petitioner no. 2, came out of the shop and he and his father started abusing and beating respondent no.2. Petitioner no. 1, elder son of petitioner no. 2, armed with an iron rod also came and tried to hit respondent no. 2 on his head and while resisting the attack the respondent no. 2-complainant sustained injuries on his right hand and also on his face. The petitioners also entered the shop of respondent no.2 and broke the glass of his show case.

3. Thereafter the matter was reported to the police and respondent no. 2 was medically examined at AIIMS and on the basis of his statement FIR was registered. The police after investigating the matter filed charge-sheet under Sections 452/427/325/34 IPC in the court of Metropolitan Magistrate where the case is pending trial.

4. During the pendency of the criminal proceedings in Court the petitioners and respondent no. 2 resolved their dispute and arrived at an amicable settlement.

5. Since one of the offences for which the petitioners were being prosecuted,

namely, under Section 452 I.P.C. was not compoundable as per the provisions of Section 320 Cr.P.C the present petition under Section 482 Cr.P.C. was filed by the petitioners. Notice of the petition was sent to the State and the complainant-respondent no. 2. On 10.09.2007 both the parties appeared in person also before this Court and affirmed that the matter has been amicably resolved and respondent no. 2 stated that he was no more interested in pursuing the case against the petitioners.

6. Learned APP for the State, however, opposed quashing of the FIR on the ground that allegations against the petitioners are serious in nature.

7. It is now well settled that FIRs even in respect of those offences which are not compoundable under Section 320 Cr.P.C. can be quashed as also the criminal proceedings emanating therefrom, if it is felt while dealing with a quashing petition under Section 482 Cr.P.C. that it would secure the ends of justice if the FIR and criminal proceedings arising therefrom are quashed and continuation of the criminal proceedings would amount to abuse of the process of law. Reference in this regard can be made to a judgment of the Hon'ble Supreme Court ***in "B.S. Joshi & Ors. Vs. State of Haryana & Anr.", AIR 2003 SC 1386*** where it has been so held. In the present case, the FIR against the accused came to be registered at the instance of respondent no. 2 who has stated that the dispute is now settled. Since the complainant has now no grievance against the petitioners who are his neighbours it would secure the ends of justice if the FIR registered against the

petitioners and the ongoing trial are quashed.

8. This petition is accordingly allowed and consequently FIR No. 756/2000 registered at Police Station Mehrauli for the offences under Sections 452/427/323/34 of Indian Penal Code ('I.P.C.' in short) and the case titled as "State v. Raju Goel and Ors." pending in the court of Metropolitan Magistrate, Delhi are hereby quashed.

P.K.BHASIN,J

December 6, 2007
sh